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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/614,640

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Hideharu Yoshizawa

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28107

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01/05/2005

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EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/614,640

Applicant(s)

YOSHIZAWA, HIDEHARU

Examiner

Leslie J. Evanisko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/21/2004 & 07/07/2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species II, Figures 7-8, claims 1-7 in the reply filed on October 21, 2004 is acknowledged.

It is noted that applicant states in the response dated October 21, 2004 that all of claims 1-7 read on the elected species shown in Figures 7-8. However, the Examiner disagrees. To the extent that any clear meaning can be determined from the language of claims 5-6, it is the Examiner's position that claims 5-6 read on different embodiments from the elected embodiments. Applicant elected the second embodiment, as shown in Figures 7-8. It is noted from the specification that the first and second embodiments appear to relate to physically setting/rotating the screens during manufacture to prevent the generation of moiré, while the 3<sup>rd</sup>-6<sup>th</sup> embodiments include moiré preventing steps that involve digitally processing and/or correcting the image before creating the screen plate to prevent moiré generation. Therefore, since claims 5-6 appear to involve the digital processing of images described only with respect to the 3<sup>rd</sup>-6<sup>th</sup> embodiments and applicant elected the second embodiment shown in Figures 7-8, claims 5-6 **have been withdrawn** from further consideration by the Examiner as being drawn to non-elected embodiments.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: spots 6 on page 4, line 7; screen plate on page 4, line 19; screen 9 on page 4, line 20; positive film 8 on page 4, line 20; frame 10 on page 4, line 20; screen plate 11A (page 6, line 4) and 11B (page 6, line 25); server Y on page 7, line 2; and communication network Z on page 7, line 6.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities: The use of the trademark DACRON has been noted in this application (for example on page 4, line 23). It should be in all capital letters wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction and/or clarification is required.

5. The disclosure is objected to because of the following informalities: On page 1, line 18, it appears that the third occurrence of "the" should be deleted. On page 4, line 3, it appears that the term "axles" should be --axes--. Finally, on page 6, lines 2 and 3-4, the phrase "no the moiré condition" is awkward and somewhat unclear.

Appropriate correction and/or clarification is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any

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person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-4 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, it is not clear from the description in the specification what a “dot angle” is or how the “dot angle” relates to the screen angle or to the printing colors as recited in the claims. Note the language “matching a screen angle with the dot angle” that appears in both claims 1 and 7 implies that the screen angle and dot angle are two separate and distinct elements. However, the Examiner could not locate any portion of the specification that clearly sets forth what is meant by the term “dot angle” or how the dot angle relates to the “screen angle”. Furthermore, it is noted that claim 3 recites the dot angles for the various colors are set to specific values. However, it is noted by the Examiner that this language has no proper support in the specification, since the specification only mentions setting the screen angles (and not the dot angles) to the particular values recited in claim 3. Note, for example, the description on page 4 of the specification refers the screen angles in particular.

In view of the above problems, it is the Examiner's position that the disclosure is lacking such that one of ordinary skill in the art could not make and/or use the invention.

Appropriate correction and/or clarification is required.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-4 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with antecedent basis problems and awkward and confusing language that renders the exact scope of the claims unclear.

For example, with respect to claim 1, the preamble is awkward and unclear in meaning. In particular, it is not clear from the claim language whether the screen printing plate, electronic stencil, etc. are intended to be a part of the claimed structural elements. Additionally, regarding claims 1 and 7 in particular, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Finally, the phrase "to print the image to printed object" is also awkward and confusing. Is applicant trying to state that the

image is printed onto a printed object? Does the term “printed object” mean that the object already has indicia on it?

Also, the phrase “produced by piling up the formation which the point and line are distributed regularly and geometrically” in the body of each of claims 1 and 7 does not have any clear or understandable meaning. It is not clear from the present claim language in claims 1 and 7 what is included in the moiré preventing step or what particular action prevents the generation of moiré. Is applicant attempting to state that moiré generation is prevented by either: a) setting a dot angle at a predetermined angle or b) by matching the screen angle with the dot angle? The claim as currently written never actually recites any relationship between the “moiré preventing” language and the “one of setting a dot angle...” language in the second paragraph. Regardless, how either setting the dot angle OR matching the screen angle and dot angle leads to moiré prevention (if that is indeed the case) is unclear since it is not clear what is meant by “dot angle” (as set forth in the above 112, 1<sup>st</sup> paragraph rejection). Additionally, the terms “the formation,” “the point,” etc. in claims 1 and 7 have no proper antecedent basis in the claims.

Appropriate correction and/or clarification is required.

In view of the extreme indefiniteness of the claims as set forth in the above 35 USC 112 rejections, the exact scope of the claims could not be reasonably determined by the Examiner and therefore a thorough search and



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examination of the claims with respect to the prior art could not be completed at the present time. Examination of the application and application of any relevant prior art will be completed when the application is in proper compliance with 35 USC 112. Note that any rejection of the claims relative to the prior art set forth in the next Office Action may be made FINAL.


***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
January 4, 2005